

WILLIAM ALLEN.

APRIL 1, 1904.—Ordered to be printed.

Mr. QUARLES, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 836.]

The Committee on Military Affairs, to whom was referred the bill (S. 836) for the relief of William Allen, report that they have carefully considered the same and recommend that it pass after being amended as follows:

After the word "enlisted," in line 7, add the words: "*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act."

In connection herewith, attention is respectfully invited to the accompanying report from the Record and Pension Office on this case.

*Case of William Allen, late of Company A, Eleventh Regiment Indiana Volunteer Infantry.*

A report in this case was furnished the Committee on Military Affairs, House of Representatives, on House bill No. 2202, Fifty-sixth Congress, first session, February 8, 1901.

Following is a copy:

"It is shown by the records that William Allen was enrolled February 14, 1865, and mustered into service February 15, 1865, as a private in Company A, Eleventh Regiment Indiana Infantry Volunteers, to serve one year. He appears to have served faithfully to May 20, 1865, when he deserted, never returning to his command, which remained in service until July 26, 1865.

"In an application for removal of the charge of desertion the soldier testified April 1, 1892:

"That on or about the 2d day of June, 1865, while at Baltimore, State of Maryland, he left the company under the following circumstances: He received letters from his wife, who was daily expecting to be confined and in delicate health, and needed his assistance, financially and otherwise, and she wrote him to come home. He asked leave to go home, but denied, and the war being over he went home to his wife and intending to meet the company at Indianapolis when mustered out, but could not leave his wife at time regiment returned."

"Paulin Lendorme, aged 61 years, of Indianapolis, Ind., testified May 18, 1895, as follows:

"Some time about June 2, 1865, I was acting as orderly sergeant of Company A, Eleventh Indiana Infantry, at Fort McHenry, Baltimore, Md.; that the said William

Allen left the company without permission, the reason of which was that his wife was soon to be confined. At all other times Mr. Allen was ready and willing to perform all duty required of him. He was a sober and obedient soldier. At the time the company was mustered out he had not reported, so was not discharged with the company in July, 1865. I do not believe it was his intention to desert the company.'

"In an affidavit executed May 25, 1895, Wesley Allen, M. D., 59 years of age, of West Newton, Ind., declared as follows:

"My recollections are that William Allen left his regiment after the war was over with, and came home on account of the expected confinement of his wife, which took place in a few days afterwards.'

"Applicant further testified, May 28, 1895:

"That he served faithfully and well the Government of the United States until on or about the 5th day of June, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: While our command was stationed at Fort McHenry, near Baltimore, in the State of Maryland, June, 1865, I was influenced by the serious illness of my wife, and that she desired my presence; thus actuated by feelings of marital devotion, I felt impelled to go to her bedside. However, this decision was not reached until I had made an effort to obtain a furlough. This being disallowed, I advised with some of my comrades about the matter and they counseled me to take the step I did, saying the war was at an end, peace had been declared, military organizations were disbanding, and soldiers being discharged and sent home. I accordingly left for home, which was in Marion County, Ind.; I attended my wife during sickness, which was of several days' duration, but when her condition improved I immediately set about making preparations to leave home and rejoin my regiment, but before my departure my comrades came home, our regiment having been mustered out. It was not my intention to desert the cause of the Union, which I had sworn to uphold.'

"Under date May 30, 1895, Leven Gamble, 49 years of age, of Brooklyn, Ind., formerly a private of Company A, Eleventh Indiana Volunteers, testified as follows:

"William Allen, late private of Company A, Eleventh Regiment Indiana Volunteer Infantry, was a good soldier, always ready for duty, from the time he enlisted until about June 1, 1865, when he left his command at Baltimore, Md., without leave of absence. Mr. Allen told me a few days before he left us that he had got a letter from home and his wife was very sick, and he wanted to go home to see her, but was afraid that he could not get a furlough. I think he would have returned had we not been ordered home about one month later.'

"Alfred H. Horton, 51 years of age, of Waverly, Ind., testified June 3, 1895:

"That he was a private of Company A, Eleventh Indiana Volunteer Infantry; knew William Allen, of same company. He was a good soldier while he was with us, always ready for duty, until about June 1, 1865, when, on account of his wife's sickness, he went home without leave. It was generally understood by members of our company that he would be back soon; were at Fort McHenry, near Baltimore, Md., when he left us. Believes he would have returned, but the regiment was ordered home soon after; does not believe he intended to desert.'

"The application for removal of the charge of desertion in this case has been repeatedly denied, and now stands denied, on the ground that the soldier did not serve six months prior to May 1, 1865, and, as appears from his own statement, was not prevented from completing his term of enlistment by disability contracted in the line of duty, and because the case does not come within any of the other provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion."

Since the date of the report quoted above the status of the case has not been changed, either by the introduction of new testimony or by legislation.

Respectfully submitted.

F. C. AINSWORTH,  
Chief Record and Pension Office.

RECORD AND PENSION OFFICE, War Department, May 1, 1902.

The SECRETARY OF WAR.